

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 ROBERTO DURAND,

4 Plaintiff

Case No. 3:19-cv-00365-MMD-WGC

ORDER

5 v.

6 STATE OF NEVADA, et al.,

7 Defendants
8

9 **I. DISCUSSION**

10 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections
11 (“NDOC”), has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and has
12 filed an application to proceed *in forma pauperis*. (ECF Nos. 1, 1-1).

13 Plaintiff’s application to proceed *in forma pauperis* is incomplete. Pursuant to
14 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to
15 proceed *in forma pauperis* on this Court’s approved form and attach both an inmate
16 account statement for the past six months and a properly executed financial certificate.
17 Plaintiff has not submitted an application to proceed *in forma pauperis* on this Court’s
18 approved form or an inmate account statement. (See ECF No. 1). As such, the *in forma*
19 *pauperis* application is denied without prejudice. The Court will retain Plaintiff’s civil rights
20 complaint (ECF No. 1-1), but will not file it until the matter of the payment of the filing fee
21 is resolved. Plaintiff will be granted an opportunity to cure the deficiencies of his
22 application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this
23 action. If Plaintiff chooses to file a new application to proceed *in forma pauperis* he must
24 file a fully complete application to proceed *in forma pauperis*.

25 **II. CONCLUSION**

26 For the foregoing reasons, IT IS ORDERED that Plaintiff’s application to proceed
27 *in forma pauperis* (ECF No. 1) is DENIED without prejudice to file a new application.

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1 IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the
2 approved form application to proceed *in forma pauperis* by a prisoner, as well as the
3 document entitled information and instructions for filing an *in forma pauperis* application.

4 IT IS FURTHER ORDERED that within thirty (30) days from the date of this order,
5 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on
6 the correct form with complete financial attachments in compliance with 28 U.S.C.
7 § 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing
8 fee and the \$50 administrative fee).

9 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
10 dismissal of this action may result.

11 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint
12 (ECF No. 1-1), but shall not file it at this time.

13 DATED: July 2, 2019.

14 William G. Cobb
15 UNITED STATES MAGISTRATE JUDGE
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